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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,484	01/18/2002	Timothy J. Flohe	ALL21 P-300	1416

277 7590 03/28/2003

PRICE HENEVELD COOPER DEWITT & LITTON  
695 KENMOOR, S.E.  
P O BOX 2567  
GRAND RAPIDS, MI 49501

EXAMINER

BAHTA, ABRAHAM

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/051,484

Applicant(s)

FLOHE, TIMOTHY J.

Examiner

Abraham Bahta

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1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other:  |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Yedlin et al USP

6,042,903.

Yedlin teaches a three dimensional ornament comprising a plurality of strips which may be spaced apart angularly wherein each strip has a first end and a second end and wherein the first end of each strip is attached to a first spine and the second end of each strip is attached to a second spine. See col. 2, lines 59-64 and Figs.4-7 and 9. The reference teaches the ornament may be made from a sheet of metallic foil. See col. 2, lines 42-45. The adjacent strips appear to be displaced from a reference, for example, from a longitudinal center axis (70) by a relatively large angle and the adjacent strips appear to be angularly displaced from each other wherein the angle appears to be the same. See Fig. 4-7. The ornament has an eyelet hole wherein a hangar or a piece of strip may be connected with the eyelet hole permitting mounting in a suspended manner. See col. 3, lines 55-61.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yedlin '903.

As discussed above, Yedlin teaches applicant's claimed invention except fails to mention the corresponding pairs of strips being angularly displaced by about 180 degrees; however, Yedlin teaches the corresponding pairs of strips form an outline of two sides of geometrical shape separated by a spine and the two geometric shape appear to be a hemisphere. Since, Yedlin teaches the core which forms the spine may be adjustable, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to adjust the core on which the two spines are located so that the desired geometric shape may formed when the strips are connected to the spines.

Regarding claim 7, the reference teaches the strips may be formed from a sheet of material such as metallic foil. See col. 2, lines 42-45.

Regarding claim 8-9, the adjacent strips appear to be displaced from a reference, for example, from a longitudinal center axis (70) by a relatively large angle and the adjacent strips appear to be angularly displaced from each other wherein the angle appears to be the same. See Fig. 4-7.

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Regarding claim 10, the ornament has an eyelet hole wherein a hangar or a piece of strip may be connect with the eyelet hole permitting mounting in a suspended manner the decorative ornament. See col. 3, lines 55-61.

Regarding claim 11, the reference in Fig. 4-7 and 9 shows the corresponding strips outlines a circular geometric shape.

Regarding claim 12-13, the reference does not require an outline of a diamond shape or star shape, however, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the same concept discussed above in order to form numerous other different configurations. See col. 4, lines 55-58.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Yedlin et al

USP 6,042,903.

Yedlin teaches a method (see claims 16-20) for making three dimensional ornament comprising cutting a sheet of material to form a plurality of strips wherein the strips may be spaced apart angularly wherein each strip has a first end and a second end and wherein the first end of each strip is attached to a first spine and the second end of each strip is attached to a

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second spine. See col. 2, lines 59-64 and Figs. 4-7 and 9 and claims 16-20. The reference teaches the ornament may be made from a sheet of metallic foil. See col. 2, lines 42-45. The adjacent strips appear to be displaced from a reference, for example, from a longitudinal center axis (70) by a relatively large angle and the adjacent strips appear to be angularly displaced from each other wherein the angle appears to be the same. See Fig. 4-7. The strips are bent to form the desired geometric shape. See Figs. 4-7 and 9. The ornament has an eyelet hole wherein a hangar or a piece of strip may be connected with the eyelet hole permitting mounting in a suspended manner. See col. 3, lines 55-61.

***Claim Rejections - 35 USC § 103***

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yedlin '903.

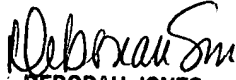
As discussed above, Yedlin teaches applicant's claimed invention except fails to teach cutting the sheet material into a diamond or a star shape; however, since Yedlin as shown in Figs. 4-7 and 7 teaches the sheet material may be cut into a circular shape, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the same concept discussed above in order to form numerous other different configurations. See col. 4, lines 55-58..

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Any inquiry concerning this communication should be directed to Abraham Bahta at telephone number (703) 308-4412. The Examiner can normally be reached Monday-Friday from 11:30 AM -8:00 PM (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor Deborah, Jones, can be reached on (703) 308-3822.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

  
DEBORAH JONES  
SUPERVISORY PATENT EXAMINER



A. Bahta

03/03/03